



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 15, 2019**

On Tuesday, January 15, 2019, at 5:33 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's presence.

Mayor	David Suarez
Mayor Pro-Tem	Greg Kerr
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
Commissioner	Jose "J.P." Rodriguez
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
Interim City Secretary	Aida Vega
City Attorney	Juan E. Gonzalez

Also present: Yvette Mendoza, Finance Director; Omar Rodriguez, Parks and Recreation Director, Olga Garza, Asst. Public Works Director; Leo Gonzalez, Information Technology Director; Joe Pedraza, Interim Planning and Code Enforcement Director; Tony Lopez, Fire Chief; Joel Rivera, Police Chief; Andrew Munoz, Airport Director; Pete Garcia, Public Works Director; Arnold Becho, Library Director; and other staff members

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro Tafolla called the meeting to order and certified the public notice of the meeting as properly posted Friday, November 30, 2018.

B. Invocation.

Pastor Badillo Castillo, Pave the Wave Church, led the invocation.

C. Pledge of Allegiance.

Mayor Pro Tem Kerr led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez in joint recognition with National Senior Vice Commander Felix Garcia declared and proclaimed the City of Weslaco as "A Purple Heart City".

D. Roll Call.

Aida Vega, Interim City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Gail Weigel Ortiz voiced her objection on the request for a conditional use permit for Wine and Beer Retailer's Permit Late Hours requested by Eric Fonseca voicing the integrity of the neighborhood be kept in an established residential area

Sheila Sheiller, Weslaco Museum, extended an invitation to the commission and public to view the exhibit at the Museum from the Time Capsule.

Chief Rivera thanked Commissioner Rodriguez for his participation in the Christmas video done for social media that had 1,190 like and 141,000 comments.

III. PUBLIC HEARING

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to open the public hearing at 5:55 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Jamie & Jessica Rodriguez to approve Conditional Use Permit to operate an Event Center at 331 S. Texas Blvd. Also being Lot 17, Block 26, Original Townsite, Weslaco, Hidalgo County, Texas. (Staffed by Planning & Code Enforcement Department.)

None received.

B. To solicit input on behalf of Eric Fonseca to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit, Retail Dealer's On-Premise Late Hours License at 606 S. Missouri. Also being Lot 4, Block 51, Original Townsite of Weslaco, Hidalgo County, Texas. Requires three-fourths vote to approve late hours permit. (Staffed by Planning and Code Enforcement Department.)

Gilbert Longoria requested favorable consideration stating plans were to promote local artists, students and musicians from the high schools. The late hour request was to allow time for clean up efforts, parking was available and would be selling food.

C. To solicit input on behalf of Juan Medina to rezone 725 N. Kansas. Also being lot 15, 16 & 17 Blk 1, White Subdivision Weslaco, Hidalgo County, Texas from R-1 One-family Dwelling District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.)

None received.

Mayor Pro Tem Kerr, seconded by Commissioner Muñoz, moved to close the public hearing at 5:57 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the following Minutes:

- 1) Regular Meeting on December 18, 2018; and
- 2) Record of Workshop on December 18, 2018 (Staffed by City Secretary's Office.)

B. Approval on second and final reading of the following:

- 1) Approval of Ordinance 2018-45 rezoning 1430 N Milano Rd. Also being 4.613 acres out of Farm Tract 154 Blk 179 West Tract Subdivision Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held December 18, 2018; Staffed by Planning and Code Enforcement Department.)

C. Approval of a Mid Valley Airport Hangar Lease Agreement with Hendrickson Flying Service, Inc., Hangar E-1, and authorize the Mayor to execute any related documents. (Staffed by Airport.)

D. Authorization to solicit an Invitation for Sealed Bids for the installation of an Automated Weather Observation System with Optional Present Weather Sensor and Thunder Strike Alert (AWOS III PT) and authorize the Mayor to execute any related documents. (Staffed by Airport.)

E. Acceptance of funds in the amount of \$15,000.00 from the U.S. Department of Justice United States Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

F. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 30th Annual Texas Onion Fest on Saturday, March 23, 2019 at the Mayor Pablo G. Pena City Park, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard and Westgate and Frontage for two weeks prior to the event, to waive appropriate fees from ordinances associated with event and authorize the Mayor to execute any related document. (Requested by Weslaco Area Chamber of Commerce.)

G. Approval to accept financing proposal from City National – Capital Finance for purchase of Fire Department 2019 F-250 4x4 Crew Cab and a 2019 F-550 Chassis 4x4 Regular Cab with aftermarket equipment in the amount of \$74,561.92 and authorize the Mayor to execute any related documents. (Staffed By Finance Department.)

H. Approval on renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for Rural Emergency Services and authorize the Mayor to execute any related documents. (Staffed by Weslaco Fire-EMS Department.)

I. Approval on Ordinance 2019-01 amending Ordinance 2000-06 designating a staff member from the City Secretary Office as the Local Registrar and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-01. (Staffed by the City Secretary Office.)

J. Approval on Third Amendment to Inter-local Cooperation Agreement between County of Hidalgo and City for utilization of space at City Hall for Precinct 1 offices and authorize the Mayor to execute any related documents. (Staffed by City Manager.)

Mayor Pro Tem Kerr, seconded by Commissioner Tafolla, moved to approve consent agenda items A through J as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the Ordinance.

ORDINANCE NO. 2018-45

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1430 N MILANO RD. ALSO BEING 4.613 ACRES OUT OF FARM TRACT 154 BLK 179 WEST TRACT SUBDIVISION WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-1 One-Family Dwelling District to R-2 Duplex and Apartment District being 1430 N Milano Rd. also being 4.613 acres out of Farm Tract 154, Block, 179 West Tract Subdivision Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of December 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of January 2019

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Aida Vega, Interim CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

V. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Jamie & Jessica Rodriguez to approve Conditional Use Permit to operate an Event Center at 331 S. Texas Blvd. Also being Lot 17, Block 26, Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente, Senior Planner, stated twenty-two property owners were notified and no objection received. The Planning and Zoning Commission and staff recommended approval; use would be for small events.

Mayor Pro Tem Kerr, seconded by Commissioner Rodriguez moved to approve a Conditional Use Permit to operate an Event Center at 331 S. Texas Blvd as presented. The motion carried unanimously; Mayor Suarez was present and voting

B. Discussion and consideration after public hearing on behalf of Eric Fonseca to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit, Retail Dealer's On-Premise Late Hours License at 606 S. Missouri. Also being Lot 4, Block 51, Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Requires three-fourths vote to approve late hours permit. Possible Action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Rodriguez abstained from vote and discussion.

Commissioner Lopez, seconded by Mayor Pro Tem Kerr moved to approve...

Rebekah De La Fuente stated 21 property owners were notified; applicant proposes a gallery for showings and classical music; will sell beer and wine and requesting late hours. The Planning and Zoning Commission recommended approval with no late hours and staff recommended approval for the beer and wine sale and late hours permit.

In response to the commission late hours is considered anytime after midnight; applicant stated the late hour request would meet Texas Alcoholic Beverage Commission requirement in case they had an event extended longer; students would be invited to play their instruments and show their rending's and would like to be family oriented. Staff stated the applicant requested permit for beer and wine only no mix beverages and late hours. Would be serving appetizers and have a cold menu selection.

Commissioner Lopez seconded by Mayor Pro Tem Kerr moved to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 606 S. Missouri. The motion carried; Commissioner Rodriguez abstained; Mayor Suarez was present and voting.

Mayor Suarez called the question on original motion for late hours permit. The motion failed (0-6); Commissioner Rodriguez abstained; Mayor Suarez was present and voting.

C. Discussion and consideration to approve the Single Lot Variance for Camar Subdivision- being a .1456 acres out of Farm Tract 17 of the West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1500 ft. South of Interstate 2 and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department.)

Rebekah De La Fuente stated developer proposes redevelopment of the property into commercial suites and requested a variance for a zero-side setback line. Staff recommended approval with

compliance to side setbacks; Planning and Zoning Commission recommended approval with variance.

Mayor Pro Tem Kerr, seconded by Commissioner Muñoz moved to approve the Single Lot Variance for Camar Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting

D. Discussion and consideration after public hearing on behalf of Juan Medina to approve Ordinance 2019-02 rezoning 725 N. Kansas. Also being Lot 15, 16 &17 Blk 1 White Subdivision Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-02. Possible Action. (Staffed by Planning and Code Enforcement Department.)

Rebekah De La Fuente stated thirty property owners were notified; no objection received. The applicant is requesting rezoning to neighborhood business district developing office suites. The Planning and Zoning Commission and staff recommended approval based on surrounding commercial properties to the west and north.

Commissioner Tafolla, seconded by Commissioner Lopez moved to approve Ordinance 2019-02 rezoning 725 N. Kansas as presented. The motion carried unanimously; Mayor Suarez was present and voting

E. Discussion and consideration to execute the Dedication Deed from DWR Development Group, LLC to the City of Weslaco for conveyance of Lot 2, Villa Verde Estates Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department.)

Rebekah De La Fuente stated DWR Development was developing apartments located on South Border Avenue. Lot 2 is nine acres of land that developer is dedicating to the City for future park land and a regional detention pond. Staff recommends approval of the dedication and conveyance.

Commissioner Rodriguez, seconded by Commissioner Lopez moved to approve Dedication Deed from DWR Development Group, LLC to the City of Weslaco for conveyance of Lot 2, Villa Verde Estates Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting

F. Discussion and consideration to approve payment to Republic Services in the amount of \$28,576.87 for flood debris removal for total payment to date in the amount of \$620,214.37 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mike Perez, City Manager, stated roll-off containers have been made available for flood debris removal at different locations in the city to help the residents and the city has been paying additional monies for this. He requested to discontinue by the end of the month unless directed otherwise. Staff stated they will evaluate requests on a case by case to assist where flood debris may be disposed.

Commissioner Muñoz, seconded by Commissioner Lopez moved to approve payment to Republic Services in the amount of \$28,576.87 for flood debris removal and discontinue at the end of the month as presented. The motion carried unanimously; Mayor Suarez was present and voting

G. Discussion and consideration to enter into a Mile after Mile Option #2 agreement with Kinloch Equipment Co. to lease a 2018 Vactor Truck and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

The City Manager stated the purchase of a vactor truck would assist in ongoing maintenance year round of inlets; staff evaluated options and Kinloch Equipment offered a lease for a 2018 Freightliner Chasis with Vactor offers a guaranteed buyback, a comprehensive repairs and maintenance of the equipment and if the equipment goes down they provide a replacement. A balloon payment would be due at the end of the lease if the City wished to purchase. Staff recommended approval.

In response to Mayor Suarez, lease cost was \$70,552 yearly; in response to Commissioner Muñoz if purchased cost is \$419,278 and monies would come from the water and sewer fund accounts.

Commissioner Tafolla, seconded by Commissioner Muñoz moved to approve a Mile after Mile Option #2 agreement with Kinloch Equipment Co. to lease a 2018 Vector Truck as presented. The motion carried unanimously; Mayor Suarez was present and voting

H. Discussion and consideration to purchase a Main Line and Push TV System from Kinloch Equipment and Supply, Inc. in the total amount of \$64,986.00 through Buyboard Vendor Contract #515-16 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.)

Pete Garcia, Public Works Director, stated the equipment was necessary to allow staff visual inspection of water and sanitary sewers lines and recommended approval.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve purchase of a Main Line and Push TV System from Kinloch Equipment and Supply, Inc. in the total amount of \$64,986.00 through Buyboard Vendor Contract #515-16 as presented. The motion carried unanimously; Mayor Suarez was present and voting

I. Discussion and consideration to approve the Interlocal Agreement with the City of Mercedes to provide ambulance billing and associated support services, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Commissioner Tafolla, seconded by Commissioner Lopez moved to discuss.

The City Manager recommend approval stating the City of Mercedes requested assistance with billing services; monthly fee would be \$3,000 and timeframe would be 6 to 12 months.

In response to Mayor Suarez, Yvette Mendoza, Finance Director, stated staff looked at the cost of a temporary employee at an hourly rate of \$10.00 to determine fee. Mike Perez stated temporary employees that do not exceed a year of employment may work up to 40 hours; no benefits as a temporary employee only if the position becomes permanent and exceeds a year, benefits are required.

Mayor Suarez and Commissioners Pedraza and Tafolla were concerned on classification of temporary full-time employee subjects the city to be liable to pay benefits. Mr. Perez recommended no action and allow staff to research.

There was no action on this item.

J. Discussion and consideration on request from V.F.W Post 12178 to use Mayor Pablo Pena Park for a Music Festival and Bike Run on April 6, 2019 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, The Veterans of Foreign Wars Post 1278 of Weslaco has requested the use of Mayor Pablo G. Pena Park for a Music Festival; the event is the final stop of a motorcycle rally to include live music, food, and vendors. Staff recommended approval with any expenses related to the event be paid by the requestor.

Commissioner Tafolla, seconded by Commissioner: Lopez moved to approve request from V.F.W Post 12178 to use Mayor Pablo Pena Park for a Music Festival and Bike Run on April 6, 2019 as presented. The motion carried unanimously; Mayor Suarez was present and voting

K. Discussion and consideration an Interlocal Agreement with the Weslaco Independent School District for the use of various softball fields and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Mayor Pro Tem Kerr abstained from vote and discussion.

Omar Rodriguez stated Weslaco ISD has requested to use the Softball Fields at Harlon Block Park for their Middle School Softball program beginning in January and running through February of this year. The City will maintain fields and prepare for game play as per WISD schedule. WISD will provide the game administration, security, custodial support, field paint and chalk for marking the fields. Staff recommended approval.

Commissioner Tafolla, seconded by Commissioner: Lopez moved to approve Interlocal Agreement with the Weslaco Independent School District for the use of various softball fields as presented. The motion carried; Mayor Pro Tem Kerr abstained; Mayor Suarez was present and voting

L. Discussion and consideration on extension of Agreement with American Financial Bureau for delinquent Municipal Court Fines and Fees Collection Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.)

The City Manager recommended a year extension stating legislation is being introduced that would impose how collection of fine and fees may be collected. The extension would allow time for the conclusion of the Legislation session and determine course of action to include termination and begin the solicitation of proposals. The City Attorney recommend amending the renewal agreement to include language on termination clause resulting in changes to the Statue.

Commissioner Lopez seconded by Commissioner Rodriguez moved to approve renewal for one year amending agreement to include language on termination clause resulting in changes to the Statue as presented. The motion carried unanimously; Mayor Suarez was present and voting

VI. EXECUTIVE SESSION

At 6:57 p.m. Commissioner Tafolla, seconded by Commissioner Pedraza moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:12 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action.

B. Personnel - Discussion and interview on the selection process of the City Secretary for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action.

C. Contract Negotiations – Discussion with the City Manager and City Attorney on negotiated proposal relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

Commissioner Muñoz seconded by Commissioner Tafolla moved to approve the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207 approving a two percent increase for the first year; one percent the second year and waiver of the \$25,000 for the purchase of equipment. The motion carried unanimously; Mayor Suarez was present and voting.

D. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

There was no action.

E. Real Property – Consultation with City Attorney on the purchase of real property legally described as Canal Heights Block 2, Lot 10, .1101 acres located at 1213 Largo Street as authorized by §551.072 of the Texas Local Government Code.

Commissioner Rodriguez, seconded by Commissioner Muñoz moved to authorize staff to enter negotiations on the purchase of real property legally described as Canal Heights Block 2, Lot 10, .1101 acres located at 1213 Largo Street as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

F. Legal Consultation - Consultation with City Attorney regarding City of Weslaco v. Briones Consulting and Engineering as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Mayor Pro Tem Kerr, moved to authorize the City request to the Courts to dissolve the protective order as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

Commissioner Muñoz, second by Commissioner Tafolla moved to adjourn the meeting at 8:15 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

INTERIM CITY SECRETARY, Aida Vega

MAYOR PRO-TEM, Greg Kerr

COMMISSIONER, Leo Muñoz

COMMISSIONER, Jose "J.P." Rodriguez

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza